United Nations S/2009/236

Security Council

Distr.: General
7 May 2009

Original: English

Letter dated 6 May 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia (see annex), which covers the Committee's activities during the period from 1 January to 31 December 2008. The report is submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Abdurrahman Mohamed **Shalgham**
Chairman
Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

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Annex

Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 1 January to 31 December 2008. The web page of the Committee is available at www.un.org/sc/committees/1521/index.shtml.

2. For 2008, the Bureau consisted of Giadalla Azuz Ettalhi (Libyan Arab Jamahiriya) as Chairman, with the delegations of Indonesia and South Africa providing the Vice-Chairmen. During the reporting period, the Committee held one formal meeting and 10 informal consultations.

II. Background information

3. Previous sanctions regimes concerning Liberia were imposed by the Security Council by its resolutions 788 (1992) and 1343 (2001), respectively. In its resolution 1521 (2003), the Council decided to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003), the Council dissolved the Committee established pursuant to resolution 1343 (2001) and established a new Committee to oversee the implementation of the measures as modified and reimposed by the same resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution, and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. By resolution 1521 (2003) the Council also established a Panel of Experts consisting of up to five members, to provide the Committee with information regarding the implementation of the measures and progress made towards meeting the conditions for the lifting of sanctions. On 16 March 2004, the Committee issued a new travel-ban list, containing the names of individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003).

4. By paragraph 1 of resolution 1532 (2004), the Security Council decided that, in order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its initial list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list). By paragraph 5 of resolution 1532 (2004), the Council further decided that it would review the measures imposed by

paragraph 1 of that resolution at least once a year; no expiration date for those particular measures was provided in the resolution, however.

5. A summary of the imposition and extension of the various sanctions measures (excluding the assets freeze) together with the mandates of the Panel of Experts is contained in the table below:

Resolution number and date	*Arms embargo and travel ban extended for*	*Diamond sanctions extended for*	*Timber sanctions extended for*	*Panel of Experts established/ extended for*	*Symbol of Panel's report*
Resolution 1521 (2003) 22 December 2003	12 months	12 months	12 months	5 months	S/2004/396 and Corr.1 and 2
Resolution 1549 (2004) 17 June 2004	n/a	n/a	n/a	6 months	S/2004/752 S/2004/955
Resolution 1579 (2004) 21 December 2004	12 months	6 months	12 months	6 months	S/2005/176 S/2005/360
Resolution 1607 (2005) 21 June 2005	n/a	6 months	n/a	6 months	S/2005/745
Resolution 1647 (2005) 20 December 2005	12 months	6 months	6 months	6 months	S/2006/379
Resolution 1689 (2006) 20 June 2006	n/a	6 months	(not renewed)	6 months	S/2006/976
Resolution 1731 (2006) 20 December 2006	12 months	6 months	n/a	6 months	S/2007/340
Resolution 1753 (2007) 27 April 2007	n/a	(terminated)	n/a	n/a	n/a
Resolution 1760 (2007) 20 June 2007	n/a	n/a	n/a	6 months	S/2007/689
Resolution 1792 (2007) 19 December 2007	12 months	n/a	n/a	6 months	S/2008/371
Resolution 1819 (2008) 18 June 2008	n/a	n/a	n/a	6 months	S/2008/785
Resolution 1854 (2008) 19 December 2008	12 months	n/a	n/a	12 months	

6. Notably, by its resolution 1683 (2006), the Security Council, welcoming the leadership of the newly elected President and her efforts to restore peace, security and harmony throughout Liberia, modified the arms embargo to incorporate additional exemptions for the Liberian Special Security Service and, subject to advance approval by the Committee, for members of the Liberian police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003.

7. By its resolution 1688 (2006), the Council decided that the travel restrictions imposed by resolution 1521 (2003) would not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court for Sierra Leone, as well as any travel related to the execution of the judgement, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial was required.

8. By its resolution 1689 (2006), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on timber, decided not to renew the prohibitions on the import of round logs and timber products from Liberia; however, it also decided to review that decision after a period of 90 days and expressed its determination to reinstate the measures, unless forestry legislation as specified in the resolution had been passed. During the review, held on 20 October, the members of the Council concluded that there was no basis for reinstating those measures as otherwise stipulated in the resolution.

9. By its resolution 1731 (2006), the Council, recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, and taking note of the need for Liberian armed forces to procure humanitarian, medical and/or training equipment, further modified the arms embargo to exclude supplies of non-lethal military equipment.

10. By its resolution 1753 (2007), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on diamonds, decided to terminate those measures, almost two months ahead of their date of expiration as set by resolution 1689 (2006).

11. By its resolution 1792 (2007), the Council also decided that States would notify the Committee upon delivery of all arms and related materiel approved and supplied in accordance with paragraph 2 (e) of resolution 1521 (2003).

12. During the reporting period, by its resolution 1819 (2007), the Council requested the Secretary-General to renew the mandate of the Panel of Experts appointed pursuant to paragraph 1 of resolution 1760 (2007) to provide the Committee with information regarding the implementation of the remaining measures (arms embargo, travel ban and assets freeze) and to assess the implementation of Liberia's forestry legislation of 2006 and compliance with the Kimberley Process Certification Scheme. The Council later extended the mandate of the Panel by resolution 1854 (2008), requesting the Panel to undertake the same tasks as under its previous mandate. In addition, the Panel was requested to assist the Committee in updating the publicly available reasons for listing for entries on the travel-ban and assets-freeze lists.

III. Summary of the activities of the Committee

A. Requests for exceptions to the measures

13. During the reporting period, the Committee considered and approved two requests, in accordance with paragraph 2 (e) of resolution 1521 (2003), for exceptions to the arms embargo: (a) to enable the United States Government to provide a series of training courses to the Liberian Special Security Service (communication dated 9 June 2008 from the United States Mission to the United Nations); and (b) to allow the transfer of ammunition from the UNMIL formed

police units of India and Jordan to United Nations police trainers for the purpose of firearms training of vetted officers of the National Police Training Academy.

14. The Committee considered and approved three requests, in accordance with paragraphs 2 and 3 of resolution 1683 (2006), for exceptions to the arms embargo: (a) to enable the United States Government to ship weapons and ammunition to Liberia to train and equip Liberian National Police officers who had been recruited to serve in the Emergency Response Unit (communications dated 11 January 2008 from the United States Mission to the United Nations and 14 January 2008 from the Permanent Representative of Liberia to the United Nations); (b) to allow the United States Government to ship equipment for the repair and maintenance of previously approved arms for use in a United States Government training programme for the Armed Forces of Liberia; and (c) to permit the United States Government to provide additional equipment and training to the Emergency Response Unit (communications dated 29 July 2008 from the United States Mission to the United Nations and 5 August 2008 from the Permanent Representative of Liberia to the United Nations).

15. In accordance with paragraph 4 of resolution 1683 (2006), the Committee received, during the report period, five reports from UNMIL on the results of the Mission's inspections of inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 of that resolution, to ensure that all such weapons and ammunition were accounted for.

16. The Committee considered five requests for travel-ban waivers under paragraph 4 (c) of resolution 1521 (2003), of which one was granted. The Committee also received and approved two notifications, dated 3 June and 10 November 2008, respectively, from the Permanent Mission of Italy to the United Nations regarding the intention of the Government of Italy to authorize access to hitherto frozen funds in accordance with the exception set out in paragraph 2 (b) of resolution 1532 (2004), in order to recover certain expenses of an entity included on the assets-freeze list.

B. Review of the travel-ban and assets-freeze lists

17. During the reporting period, the Committee considered de-listing requests with regard to a total of 11 individuals from its travel-ban list (and assets-freeze list, where applicable). Of these, three requests were received from Member States (in connection with seven individuals) and four were submitted through the focal point process as set out in the annex to resolution 1730 (2006). Following its process of consideration, the Committee agreed to de-list the following individuals: Mr. Gerald Cooper on 27 March 2008; Ms. Wesseh Dennis, Mr. Gabriel Doe, Mr. Khalid El'Dine and Mr. Zarr Koffi on 21 May 2008; Mr. Montgomery Dolo on 12 June 2008; Mr. Moussa Cisse; Mr. Charles Bright on 10 November 2008; Mr. Jenkins Dunbar on 4 December 2008; and Mr. Gus Kouwenhoven on 15 December 2008.

18. In accordance with paragraph 6 (b) of the annex to resolution 1730 (2006), the Committee did not consider two de-listing requests received from the focal point since the designating State did not support those requests.

C. Implementation of the sanctions regimes

19. During the period under review, the Committee received no additional replies from States in response to its note verbale dated 20 January 2004; thus, the total number of replies received remains 17. Pursuant to paragraph 21 (b) of resolution 1521 (2003), the note verbale sought information from all States, particularly those in the subregion, about the actions they had taken to effectively implement paragraphs 2 (relating to the arms embargo), 4 (relating to the travel ban), 6 (relating to the diamond sanctions), and 10 (relating to the timber sanctions) of that resolution. (As noted above, the measures concerning timber were allowed to expire on 20 June 2006; the measures concerning diamonds were terminated on 27 April 2007.)

20. In its final report under resolution 1819 (2008), the Panel of Experts found no evidence of major violations of the arms embargo (see S/2008/785, para. 171). With respect to the travel ban, the Panel reported that it had received a number of reports of alleged travel by individuals on the travel-ban list; it believed, given the lack of capacity in the region to implement the travel ban, that it would not be surprising if those reports proved to be true (ibid., paras. 116 and 125).

21. The Committee received no additional replies from States in response to its note verbale of 14 June 2004; thus the total number of replies received remains 15. Pursuant to paragraph 4 (d) of resolution 1532 (2004), the note verbale sought information from all States regarding the actions they had taken to trace and freeze the funds, other financial assets and economic resources described in that resolution.

22. In its final report under resolution 1819 (2008), the Panel of Experts found no evidence of any additional assets being frozen during its mandate and noted that no assets of designated individuals had yet been frozen by the Government of Liberia (see S/2008/785, paras. 128 and 132).

D. Other activities

23. During informal consultations on 22 February 2008, the Committee discussed the programme of work of the Panel of Experts, whose mandate had been extended by the Security Council in resolution 1792 (2007). The members of the Committee also agreed that from that point on all future informal consultations of the Committee would be published in the daily *Journal of the United Nations*, as a way to enhance transparency in the Committee's work.

24. During informal consultations on 19 March 2008, the Committee considered a de-listing request received from the focal point for de-listing, in accordance with the de-listing procedure outlined in the annex to resolution 1730 (2006) and as incorporated into its guidelines.

25. On 7 May 2008, in informal consultations, members of the Committee considered a communication from a Member State proposing the removal of the name of one individual from the travel-ban and assets-freeze lists. The Committee also discussed two informal written updates dated 18 March and 18 April 2008, respectively, from the Panel of Experts, provided in response to the request set out by the Security Council in paragraph 5 (e) of resolution 1792 (2007).

26. On 21 May 2008, the Committee convened its 10th formal meeting, at which members considered a communication from a Member State proposing the removal

of five names from the travel-ban list. The Committee approved the removal of four names. The Committee subsequently agreed to remove the name of the fifth individual.

27. On 11 and 13 June 2008, the Committee discussed the report of the Panel of Experts submitted in accordance with resolution 1792 (2007) and considered the Panel's recommendations. In response, the Chairman of the Committee wrote to three Member States and the Chairman of the Kimberley Process drawing to their attention the relevant recommendation of the Panel, which the Committee had endorsed.

28. On 16 June 2008, the Chairman of the Committee briefed the Security Council on the recent work of the Committee, particularly its consideration of the report of the Panel of Experts.

29. On 31 July 2008, the Committee met with the reconstituted Panel of Experts to discuss the Panel's programme of work pursuant to resolution 1819 (2008). During the same informal consultations, the Committee also considered a de-listing request received from the focal point for de-listing.

30. During informal consultations held on 31 October 2008, the Committee considered a de-listing request received from the focal point for de-listing. The Committee also considered an informal written update provided by the Panel of Experts in accordance with paragraph 1 of resolution 1819 (2008).

31. During its informal consultations on 26 November 2008, the Committee considered two de-listing requests received from the focal point for de-listing.

32. On 5 and 12 December 2008, the Committee discussed the report of the Panel of Experts submitted in accordance with resolution 1819 (2008) and considered the Panel's recommendations. In response, the Chairman of the Committee wrote to six Member States and the Chairman of the Kimberley Process drawing to their attention the relevant recommendation of the Panel, which the Committee had endorsed.

33. On 15 December 2008, the Chairman of the Committee briefed the Security Council on the recent work of the Committee, particularly its consideration of the report of the Panel of Experts.

IV. Observations

34. The removal of the names of 10 individuals from the Committee's assets-freeze and travel-ban lists during 2008, as detailed in paragraph 17 above, is illustrative of the continuing trend towards the conditioned removal of sanctions related to Liberia, which began with the cessation of the prohibition on timber imports from Liberia in June 2006 and on rough diamond imports from Liberia in April 2007. Those de-listings were effected through requests from both Member States and the focal point for de-listing, demonstrating the effectiveness of both channels to pursue de-listings set out in the Committee's guidelines.

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General Assembly
Security Council

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General Assembly
Sixty-third session
Agenda items 97, 98 and 99

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Security Council
Sixty-fourth year

Identical letters dated 4 May 2009 from the Permanent Representative of Kenya to the United Nations addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit herewith a copy of the outcome document of the subregional workshop on the preparation of responses to the United Nations Security Council Committees dealing with counter-terrorism, held in Nairobi from 11 to 13 November 2008 (see annex). The workshop, which was hosted by the Government of the Republic of Kenya, was organized by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, in cooperation with the experts of the Committees.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 97, 98 and 99, and of the Security Council.

(Signed) Zachary D. Muburi-**Muita**
Ambassador
Permanent Representative

09-32925 (E) 080509

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Annex to the letter dated 4 May 2009 from the Permanent Representative of Kenya to the United Nations addressed to the President of the General Assembly and the President of the Security Council

[Original: English and French]

Subregional workshop on the preparation of responses to the United Nations Security Council Committees dealing with counter-terrorism

Nairobi, 11-13 November 2008

Outcome document

We, the delegations of Algeria, Burundi, Djibouti, Ethiopia, Kenya, Libya, Morocco, Rwanda, Somalia, Sudan and Uganda;

Gathered together to share and discuss our efforts, and share our experiences and challenges in dealing with terrorism at the Sub-Regional Workshop held in Nairobi, Kenya, from 11 to 13 November 2008, on the preparation of responses to the Security Council Committees dealing with counter-terrorism ("the Committees");

And in the presence of the United Nations, represented by the United Nations Office on Drugs and Crime (UNODC), the Counter-Terrorism Committee Executive Directorate (CTED), the Monitoring Team of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (the Monitoring Team) and the Expert Group of the Security Council Committee established pursuant to resolution 1540 (2004) concerning the proliferation of weapons of mass destruction and non-State actors (the 1540 Expert Group), as well as the following observers: INTERPOL and the African Centre for the Study and Research on Terrorism;

Expressing our appreciation of the efforts undertaken by UNODC, in particular, its Terrorism Prevention Branch and the UNODC Regional Office for Eastern Africa, for the collective action undertaken in the organization of this Workshop, as well as by CTED, the Monitoring Team and the 1540 Expert Group in implementing a common strategy to assist us to submit our responses to each of the Committees as a step towards the effective implementation of the relevant Security Council resolutions relating to terrorism and the relevant provisions of the United Nations Global Counter-Terrorism Strategy (General Assembly resolution 60/288);

Reiterating the strong condemnation of terrorism in all its forms and manifestations committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security, in accordance with the purposes and principles enshrined in the Charter of the United Nations;

Reaffirming that our international cooperation and any measures we take to prevent and combat terrorism must comply with the objectives of the United Nations Global Counter-Terrorism Strategy and all our obligations under international law, and adopt such measures in accordance with international law, in particular human rights law, refugee law and international humanitarian law;

Welcoming the adoption by the General Assembly on 8 September 2006 of the United Nations Global Counter-Terrorism Strategy;

1. As a step in the global fight against terrorism, agree to continue the dialogue between our respective States and the Committees, including through cooperation with CTED, the Monitoring Team and the 1540 Expert Group who support these Committees;

2. Reiterate the necessity for all United Nations Member States to:

(a) Submit any outstanding responses to each of the Committees as soon as possible, as a step towards the implementation of the relevant Security Council resolutions relating to terrorism;

(b) Become parties to the relevant universal instruments relating to terrorism, without delay, in accordance with the relevant Security Council and General Assembly resolutions;

(c) Enact, where appropriate, the necessary domestic legislation for the full incorporation of the provisions of the universal instruments relating to terrorism, and the relevant Security Council and General Assembly resolutions;

3. Reiterate the necessity for UNODC to continue to provide interested States with the relevant technical assistance required in view of:

(a) Facilitating the elaboration of our responses in cooperation with the Committees and their expert groups;

(b) Promoting and encouraging ratification/accession and implementation of the relevant universal instruments relating to terrorism, and to strengthen international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building, in accordance with the resolution 62/71 of 6 December 2007 of the General Assembly;

4. Recognize the unique security situation of Somalia and its impact on the region and reiterate a firm commitment to build State institutional capacity in obtaining relevant technical assistance to play its role in implementing relevant Security Council and General Assembly resolutions relating to terrorism;

5. Invite the Government of Kenya to bring this Outcome Document to the attention of relevant international institutions.

Adopted at Nairobi on 13 November 2008

United Nations A/63/849–S/2009/238

General Assembly
Security Council

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General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 5 May 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel by air, sea and land during the month of April 2009 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf Salam
Ambassador
Permanent Representative

09-33394 (E) 130509 130509

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Annex to the identical letters dated 5 May 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during April 2009

Air violations					*Land violations*					
Military jet	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Crossing of territorial waters, and firing of automatic-weapons rounds, flares and flare shells over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of flare shells, dropping of artillery shells, infiltration and crossing of international borders	Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory			
7	22 *	—	29	7	—	6	1	7	43	84

United Nations A/63/856–S/2009/239

General Assembly
Security Council

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11 May 2009
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Original: Arabic

General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 5 May 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 15 to 30 April 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

09-33400 (E) 120509 120509

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Annex to the identical letters dated 5 May 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 15 to 30 April 2009

Air violations

On [illegible]ril 2009, at 1400 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It left Lebanese airspace at 1753 hours.

On 19 April 2009:

- Between 1035 and 1140 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Yarun and heading north. They circled over all regions of Lebanon before leaving over Rumaysh;
- At 1655 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace. It left Lebanese airspace at 1700 hours.

On 20 April 2009:

- Between 1005 and 1045 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over Beirut and the South before leaving over Alma al-Sha'b;
- Between 0730 and 1620 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South, Zahle and Baalbek before leaving over Naqurah;
- At 1010 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace at high altitude. It left Lebanese airspace at 1025 hours;
- At 1445 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and heading north as far as Riyaq. It circled between Riyaq, Baalbek and the South before leaving over Naqurah at 0645 hours on 21 April 2009;
- Between 1830 and 1845 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Wadi al-Salihani and circling over areas of the South.

On 21 April 2009:

- Between 0700 and 2230 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and heading north. It circled over the South and Beirut before leaving over Naqurah;
- Between 1102 and 1230 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Rumaysh and heading north. They circled over all areas of Lebanon before leaving over Alma al-Sha'b.

On 22 April 2009, between 0840 and 2400 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and

heading north. It circled over the South, Beirut, Riyaq and Baalbek before leaving over the sea off Naqurah.

On 26 April 2009:

- Between 0710 and 2238 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa and heading north. It circled over the South, Riyaq, Baalbek and Hirmil before leaving over Alma al-Sha'b.

- Between 1010 and 1140 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa and heading north. They circled over all areas of the South before leaving over Alma al-Sha'b.

On 27 April 2009:

At 0710 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north. It circled over the South, Riyaq and Baalbek before leaving at 0100 hours on 28 April 2009 over Alma al-Sha'b.

- Between 1035 and 1110 hours, six Israeli enemy warplanes violated Lebanese airspace. Four entered from over the sea off Tyre and two from over the sea off Shikka. They circled over all regions of Lebanon before leaving over Alma al-Sha'b.

On 29 April 2009, between 1855 and 2030 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering from over the sea off Naqurah and heading north. It circled over the sea off Sidon and Beirut before leaving over the sea off Naqurah.

On 30 April 2009, between 0725 and 0755 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north. It proceeded to a point just east of Tyre and circled over the South before leaving over Alma al-Sha'b.

Sea violations

On 16 April 2009, at 2010 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for seven seconds towards the line of buoys, some 300 metres inside Lebanese territorial waters. The enemy repeated the exercise for three seconds at 2120 hours, this time directing the searchlight some 100 metres inside Lebanese territorial waters.

On 22 April 2009, at 2210 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for three seconds towards a Lebanese fishing vessel located some 200 metres north of Buoy No. 2.

Acts of aggression in the field

On 24 April 2009, at 2010 hours, the whizzing of recklessly fired bullets was heard over Lebanese territory as a company from the Battalion of Engineers was surveying a mined area in order to build a road in Labbunah, near the border with occupied Palestine (Blue Line). It later became apparent that the bullets came from a target practice exercise that was being conducted by the Israeli enemy army near the border.

On 30 April 2009, at 2110 hours, the Israeli enemy, from its position at Ra's al-Naqurah, directed a searchlight for four seconds towards the Lebanese General Security position.

Israeli activities

On 28 April 2009, at 1100 hours, the Israeli enemy sounded warning sirens all along the Lebanese-Palestinian border on the occasion of the founding of the Jewish State.

United Nations S/2009/240

Security Council

Distr.: General
11 May 2009

Original: English

Letter dated 11 May 2009 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

I wish to inform you that my delegation categorically rejects the baseless allegations raised against, and the irrelevant and unwarranted references made to, the Islamic Republic of Iran by David Miliband, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, in today's meeting of the Security Council on the Middle East.

Undoubtedly, the United Kingdom, which has played a big role in the last six decades in creating the sufferings and the misery of the Palestinian people through its support for the Israeli regime and through its complicity in the crimes committed by the said regime against the Palestinians and other Arab nations in the region, is not at all in a position to render judgement on others' intentions and policies.

We believe that the said baseless allegations and unwarranted references that were made against Iran by the United Kingdom in today's meeting are certainly aimed at distracting the international community's attention from the Israeli crimes in the region and from the responsibilities that the said regime's supporters, particularly the United Kingdom, have in this regard.

I would be grateful if you could bring the present letter to the attention of the members of the Council and circulate it as a document of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

09-33436 (E) 110509

Please recycle

United Nations S/2009/241

Security Council

Distr.: General
12 May 2009

Original: English

Letter dated 11 May 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter dated 5 May 2009 addressed to you from Mr. Amre Moussa, Secretary-General of the League of Arab States, regarding the outcome of the second Summit of Arab and South American Countries held in Doha on 31 March 2009 (see annex). In addition, please find attached a copy of the Doha Declaration issued by the Summit (see enclosure).

Pursuant to Article 54 of the Charter of the United Nations, I should be grateful if you would arrange for the present letter and its attachments to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

09-33548 (E) 190509 260509

Please recycle

Annex to the letter dated 11 May 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

I have the honour to attach herewith a hard copy and a CD-ROM of the Doha Declaration (document M141/(09/03)/06-D(0177)) issued by the second Summit of Arab and South American Countries in Doha on 31 March 2009 following the Arab Summit.

As you are aware, that document contains a number of important resolutions covering the Arab-South American position on the most outstanding issues in the Arab world and in South America, in particular concerning Palestinian matters and the Arab-Israeli conflict, developments in the situation in the Sudan, Iraq, Somalia and Lebanon and the elimination of weapons of mass destruction, together with a number of other important resolutions in the political, economic and social fields and in the fields of sustainable development, science and technology.

In that context, the Summit emphasized the importance of continued efforts to forge close relationships between the two regions with a view to their participation in a fairer and more equitable structure of international relations, and the creation of a new framework of international cooperation based on equivalence and equality. The Summit also emphasized that the attainment of peace, security and stability in the world calls for cooperation based on adherence to multilateral instruments, respect for international law, the observance of human rights and international humanitarian law, a comprehensive commitment to respect for the principles of State sovereignty and territorial integrity, the peaceful resolution of all international conflicts, in particular regional and bilateral problems and conflicts, in accordance with international law, the Charter of the United Nations and the full and non-selective implementation of all United Nations resolutions.

I take this opportunity to reaffirm to you my desire for continued consultation and coordination with you on the various issues of common concern and I should be grateful if you would have the Declaration issued as a document of the United Nations.

I also wish to convey to you my great respect for your wholehearted efforts on behalf of peace, security and development throughout the world.

(*Signed*) Amre **Moussa**
Secretary-General

Enclosure

[Original: Arabic and English]

Doha Declaration

We, the Heads of State and Government of the Arab and South American Countries, in our Second Summit held in Doha (31/3/2009), upon the generous invitation of His Highness Sheikh Hamad Ben Khalifa Al-Thani, Emir of the State of Qatar, and in accordance with what was stipulated in our First Summit, held in Brasilia (10-11/5/2005), upon the invitation of His Excellency Luiz Inácio Lula da Silva, President of the Federative Republic of Brazil, who co-presided the First Summit together with His Excellency Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria, as the Chairman of the Arab Summit, with keenness to work on promoting Arab-South American relations and to benefit from its available chances, and coordinating bi-regional efforts to build a strong community in which mutual benefits can be exchanged and common interests protected, in the framework of constructive and concrete relations,

AGREE TO:

I – Preamble:

1. Note with satisfaction the evolution of bi-regional relations and the intensified dialogue achieved since the First ASPA Summit, which provided a strong framework for cooperation in key areas, and welcome, in particular, the Joint Meetings of Arab and South American Ministers Responsible for Culture, Economic Affairs, Environmental Affairs, Social Affairs, and Water Resources and Combating Desertification, which outlined action plans that constitute the basis for bi-regional cooperation.

2. Express our conviction about the importance of South-South cooperation as an effective mechanism to promote capacity building and the exchange of experiences in relevant areas, such as development, innovation, and the fight against poverty. Also, express our conviction about the importance of promoting trilateral cooperation that allows donors to enhance South-South cooperation programs and initiatives.

3. Reaffirm the necessity to build dense and dynamic relations between the both regions that contribute to structure more just and fair international relations and to establish a new framework for international cooperation, based on parity and equality, allowing the parties to benefit from the agreed initiatives, as well as providing the base for creating a common space of partnership between the both regions.

4. Affirm that, to promote peace, security and stability in the world, the cooperation between both regions should be guided by a commitment to multilateral instruments and respect for international law, by the observance of human rights and international humanitarian law; and reaffirm full compliance with and respect for the principles of sovereignty and territorial integrity of States, the peaceful settlement of all international conflicts, particularly regional

and bilateral conflicts and issues in accordance with international law and the Charter of the United Nations and our commitment to the full implementation of all UN resolutions without selection.

II - Political Coordination:

5. Reaffirm the need to reach a just, durable and comprehensive peace in the Middle East on the basis of the principle of land for peace and relevant resolutions of the Security Council and of the General Assembly of the United Nations, in particular Resolutions 242 (1967) and 338 (1973) of the Security Council, as well as the Madrid Framework and the "Arab Peace Initiative" adopted at the Beirut Summit (2002) and reaffirmed at the Riyadh Summit (2007) and the Damascus Summit (2008), that ensure the realization of security for all countries in the region. Also highlight the necessity of the full implementation of the "Road Map". Reaffirm the need for the materialization of the legitimate national rights of the Palestinian people, and for the implementation of Security Council Resolution 1515 (2003), and the establishment of the independent Palestinian State, based on the 1967 lines, living side by side with the State of Israel, and the withdrawal of Israel from all occupied Arab territories to the lines of 4/6/1967, including the occupied Syrian Golan and what remained from the Lebanese territories and the dismantling of the settlements including those in East Jerusalem. Duly take into account the advisory opinion rendered on 9/7/2004 by the International Court of Justice concerning the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", and call upon all parties concerned to comply with the said advisory opinion.

Express our respect for the Palestinian legitimacy under the leadership of President Mahmoud Abbas and appreciate his efforts with all Arab and Palestinian parties to achieve national reconciliation and ensure that the Palestinian dialogue succeeds. Also express our respect for the legitimate institutions of the Palestinian National Authority established by the Palestinian Liberation Organization (PLO), including the elected Palestinian legislative council.

Appreciate Egyptian efforts to reach a ceasefire in the Gaza Strip and to seek Palestinian reconciliation, as well as welcome the results of the International Conference for Donors in Sharm El-Sheikh, held by both Egypt and Norway on 2/3/2009, in order to offer needed funds to rebuild the Gaza Strip and the resumption of international assistance to the Palestinian National Authority and the Palestinian people.

Deplore the Israeli military action in the Gaza Strip, which led to thousands of civilian Palestinian casualties and the destruction of the infrastructure as well as the private and public institutions, and call for the immediate reopening of all the crossing points between Gaza and Israel, and for lifting the siege, so that essential goods and services, including fuel, can be supplied on a continuous basis, in order to prevent further deterioration of the humanitarian situation in the Palestinian territories. Reaffirm our full support for the implementation of the Fourth Geneva Convention in the Palestinian occupied territories.

6. Reaffirm the need for the respect of the unity, freedom, sovereignty and independence of Iraq and the right of non-interference in its internal affairs; respect the will of the Iraqi people to freely decide their future, and strongly condemn all acts of terrorism and violence affecting, particularly, the Iraqi people. Also reaffirm the need to achieve national reconciliation in Iraq, and support the efforts of the Iraqi government in this regard to achieve security and stability; also support the efforts of the United Nations and the United Nations Assistance Mission for Iraq (UNAMI) and the various national Iraqi political actors committed to this process. Also express our support to the efforts made by the League of Arab States for that purpose, and call upon the international community to implement their commitments made in relation to Iraq's debts and to offer the assistance needed to undergo the process of reconstructing its institutions and infrastructure, especially upon the progress Iraq is witnessing, both at the political and security levels, in particular since the application of the security program and the advancement of the democratic process.

7. Express deep concern with regard to unilateral sanctions imposed on Syria by the Government of the United States of America and consider that the so-called "Syria Accountability Act" violates principles of international law and constitutes a violation of the objectives and principles of the United Nations Charter, thereby setting a serious precedent with regard to dealing with independent states. Agree that engagement, not isolation, is a more effective way to promote dialogue and understanding among countries, and that the unilateral measures inspired by the "Syria Accountability Act" represent an unjustified burden on the Syrian economy and people.

8. Call upon the Islamic Republic of Iran for a positive response to the United Arab Emirates initiative to reach a peaceful settlement in the issue involving the three UAE islands (Tunb Al-Kubra, Tunb Alsughra and Abou Moussa) through dialogue and direct negotiations, in accordance with the United Nations Charter and international law. [1]

9. Welcome the initiative led by the League of Arab States and the African Union to resolve the Darfur crisis, and express support for the Darfur Committee headed by His Excellency Sheikh Hamad Bin Jassim Bin Jabr Al-Thani, Prime Minister and Minister of Foreign Affairs of Qatar, His Excellency Amre Moussa, Secretary-General of the League of Arab States, and the President of the African Union Commission, His Excellency Jean Ping. In this respect, express appreciation for the regional and international support rendered to the initiative, calling upon all the Sudanese factions to respond positively to the initiative to ensure its success; and welcome the Good Will and Confidence Building agreement signed by the Sudanese Government and the Movement of Justice and Equality on 17/2/2009, under the auspices of His Highness Sheikh Hamad Ben Khalifa Al-Thani, Emir of the State of Qatar, to achieve a practical beginning for ending the conflict in Darfur. Also call for an urgent solution to the Darfur crisis, stressing the priority of peace building. Recognize the important role of the African Union/United Nations Hybrid operation in Darfur (UNAMID) in this respect. Highlight, as well, the importance of supporting the respect for human rights in Darfur, and

[1] Reservations made by Venezuela and Ecuador.

call upon the parties to cooperate with the international community in order to ensure the respect for international humanitarian law.

10. Welcome the Doha Agreement which was concluded under the auspices of His Highness Sheikh Hamad Ben Khalifa Al-Thani, Emir of the State of Qatar, and through the efforts of the Arab committee established by the Council of the League of Arab States, and express our support to His Excellency Michel Suleiman, President of the Lebanese Republic, in his efforts to consolidate stability in Lebanon through dialogue and reconciliation. Recognize the important role of the United Nations Interim Force in Lebanon (UNIFIL); call for the complete implementation of the United Nations Security Council resolution 1701; condemn Israeli violations to the said resolution; and reiterate our full support for Lebanon's sovereignty, national unity and territorial integrity, as expressed in the League of Arab States' and the United Nations' resolutions.

11. Reaffirm the unity, sovereignty, territorial integrity and stability of Somalia; support the Somali National Reconciliation process held in Djibouti under the auspices of the United Nations, the League of Arab States and the African Union. Welcome the election of Sheikh Sharif Ahmed as the President of the Republic of Somalia and his taking of the constitutional oath in front of the Somali Parliament. Call for the international community to support the elected Somali President in his efforts to achieve national reconciliation. Express support for the African Union Mission in Somalia (AMISOM).

12. Maintain that regional security and stability in the Middle East require that the whole region be free of nuclear and other weapons of mass destruction. Within this context, call upon all States concerned, with the support of the international community, to take practical and urgent measures for the establishment of a nuclear weapons-free zone in the Middle East. Reaffirm the importance of the accession of all countries of the region, without exception, to the NPT and the placement of all their nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East. Also express our support to the Arab Initiative calling for the establishment of a Nuclear Weapons Free Zone in the Middle East.

13. Stress the importance of regional and international cooperation to strengthen the fight against drugs trafficking and its consequences, human trafficking, illicit trade of small and light weapons, transnational organized crime, and the proliferation of nuclear and other weapons of mass destruction.

14. Condemn terrorism in all its forms and manifestations and reject any linkage between terrorism and a specific people or religion, ethnicity or culture. Emphasize the importance of combating terrorism through active and efficient international cooperation, within the United Nations and the concerned regional organizations, based on respect for the objectives and principles of the Charter of the United Nations and in strict compliance with international law and human rights principles. Also reaffirm the importance of enhanced cooperation and coordination in the exchange of information and expertise and in the development of

competent organs specialized in combating terrorism. Call for holding an international conference under the auspices of the United Nations to study this phenomenon and to define the crime of terrorism. Take note of the recommendations adopted by the Counter-Terrorism International Conference hosted by the Kingdom of Saudi Arabia in Riyadh, on 5-8/2/2005, which represents a comprehensive approach to counter the phenomenon of terrorism. Support the proposal made by the Custodian of the Two Holy Mosques, His Majesty King Abdullah Ibn Abdelaziz Al-Saud, King of the Kingdom of Saudi Arabia, for the establishment of an International Counter-Terrorism Center.

15. Reaffirm our refusal of foreign occupation and recognize the right of states and peoples to resist it, in accordance with the principles of international law.

16. Call upon the nuclear weapons states to fulfil in good faith their obligations concerning nuclear disarmament, as laid out in Article VI of the NPT, and reaffirm that non-proliferation and disarmament are two interdependent pillars of the NPT, on whose application the international community depends to attain lasting peace, security and stability. Note, in this regard, the importance of cooperation between Arabs and South Americans in international fora on issues related to disarmament.

17. Express satisfaction for the recent developments in the institutionalization of UNASUR, which we recognize as an important actor within the context of ASPA, after the approval of the Constitutive Treaty of UNASUR by the Heads of State as an expression of the aspiration of unity by the peoples of South America.

18. Reiterate the fundamental importance granted by our governments to the protection and promotion of human rights, their universality, indivisibility and interdependence, which are cornerstones of democracy and necessary elements for constructing more just societies.

19. Welcome the celebration of the Bicentenary of Independence of South American countries that started in 2008 and will continue for 15 years.

20. Call on the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute referred to as "Question of the Malvinas/Falklands Islands", in accordance with the many relevant UN Resolutions. We reiterate that the pretence to consider the Malvinas, South Georgias and South Sandwich Islands as countries and territories to which the Fourth Part of the Treaty Establishing the European Community — the name of which will be changed to Treaty on the Functioning of the European Union — and the European Union Decisions on Overseas Association may be applied is not in accordance with the fact that a sovereignty dispute over such islands exists.

21. Recall that to fulfil its role, the United Nations requires a broad and integral reform, especially concerning the General Assembly, the Security Council and the Economic and Social Council, to render each of these organs more efficient, democratic, transparent and representative, according to their respective nature and functions and the purpose for which they were created.

22. Reaffirm our commitment to the multilateral system as a valid tool to contribute to the resolution of the problem of hunger and poverty. In that sense, call on developed countries to fulfil their resource mobilization commitments assumed at the High Level Conference on Food Security, held at FAO, in June of 2008. Also, emphasize our commitment to reinforce the Committee on World Food Security (CFS) as the multilateral forum in which all States can find alternatives to resolve the world food insecurity.

23. Welcome the end of the misunderstanding between the Kingdom of Bahrain and the Islamic Republic of Iran on claims affecting the sovereignty, independence and territorial integrity of Bahrain, and note with satisfaction the assurances offered by the Iranian Government regarding its respect for the independence and sovereignty, confirming Iran's non-interference in Bahrain's internal affairs. The ASPA Member States affirmed their stand alongside the Kingdom of Bahrain on its independence and sovereignty.

III – Cultural Cooperation:

24. Note with satisfaction the steps taken since the Brasília Declaration regarding cultural cooperation. In this respect, underline the importance of the First Meeting of South American and Arab Ministers of Culture, held in Algiers, in 2006, which outlined the common policies and priorities for cultural cooperation. And call upon all the ASPA Member States to participate in the Second Meeting of Ministers of Culture, which will take place in Rio de Janeiro, on 20-21/5/2009.

25. Observe with special satisfaction the first outcomes of bi-regional cultural cooperation, among which can be highlighted:

    a) The development in the establishment the ASPA Library in Algeria. Also express our deep satisfaction for the great care given by Algeria for this project, to which it assigned 3 hectares of land for its building. Also support, in this respect, the right suggestion of the experts meeting held in Doha in the period of 20-23/10/2008, especially concerning the contributions of the ASPA Member States to push forward this important cultural achievement; as well as the creation of the website www.bibliaspa.com.br, by the BibliASPA Brazil, that already offers literary and audiovisual content about both regions' cultures. Underline that the approval of the Statute of the Arab-South American Library resulted from a continuous construction of agreement among all parties, and believe that the establishment of this institution will help promote the cultures of both regions in the Member States, strengthening cooperation and cultural interchange, as well as providing for the organization of cultural and scientific activities, the protection of both regions' heritages, the acquisition, donation and exchange of intellectual production, the creation of bibliographic basis, of laboratories and documentary funds, which constitute a real bridge among the peoples; also believe that, in order to reach these important objectives, it would be helpful to identify its potential users and reinforce its multilingual character.

b) The steps taken since the Brasilia Declaration regarding the South American Research Institute that the Kingdom of Morocco decided to host and establish in Tangier. Note with satisfaction the care given by Morocco in assigning 2 hectares for its building and in designing a project that contemplates different facilities and services, presented and approved at the Fifth ASPA High Officials Meeting, which was held in Doha (20-23/10/2008). Stress the vital role expected of the Institute in enhancing cultural interaction between the two regions by developing joint research and academic production in various fields; and encourage countries to offer their voluntary contributions in a way that would allow the achievement of the goals set for the Institute.

c) The publishing, by BibliASPA Brazil, with the support of the National Libraries of Algeria, Brazil and Venezuela, of the book The foreigner's delight in everything that is astounding and marvellous: an analytical study on the journey of Imam Al-Baghdadi, by Professor Paulo Daniel Farah, written in Arabic and other languages and published with its translations into Portuguese and Spanish; other titles will be added to the list of relevant bi-regional works to be translated and published.

d) The holding of a travelling photographic exposition on the Arab influence in South America ("Amrik"), as well as exhibitions of Arab films in South American countries and of South American movies in Arab countries;

e) The organization, by BibliASPA Brazil, together with the Ibero-American Secretariat and the Casa Arabe, of the seminar "The Arab influence on Ibero-American Culture", held in Rio de Janeiro, in November, 2008.

26. Emphasize the importance of cultural interaction amongst the peoples to enrich human civilization. Express willingness to continue debating cultural policies and actions to promote mutual knowledge of the Arab and South American cultures. Furthermore, recognize that ASPA provides a unique opportunity to build bridges between the peoples of both regions and create a common space for dialogue, exchange and interaction.

27. Express appreciation, in particular, for the positive role of South American nationals of Arab descent and of Arab nationals of South American origin in fostering relations between the two regions.

28. Reaffirm the importance of the debate on cultural diversity for the purpose of encouraging intercultural dialogue, and deem it positive to share cultural experiences and policies aimed at renewing and fostering ideas, theories and concepts on the matter.

29. Consider that the analysis of the cultural manifestations of each region, necessary to understand them and implement politics for their promotion and protection, both in their material and immaterial aspects, must not be separated from social phenomena.

30. Encourage active participation in the Second Meeting of Ministers of Culture of the Arab-South American Countries, to be held in Rio de Janeiro (20-21/5/2009), further strengthening cultural links to ensure the follow-up of all the ongoing projects.

31. Take note that Bolivia will hold a seminar on the coca leaf, its historical and traditional uses, which will take place in the city of Cochabamba, in 2009.

32. Reiterate the importance of exchanging information in the field of the economy of culture, with a view to the economic and social incidences of cultural activities in the sustainable development of all involved countries; and reaffirm the interest in strengthening the cooperation in the fields of material and immaterial common inheritance, focusing on the preservation of cultural and natural patrimonies and in the safeguard of the immaterial inheritance.

33. Take note that the candidature of Mr. Farouk Hosni, Egyptian Minister of Culture, to the post of the Director General of the UNESCO, has received the support of the League of Arab States and the African Union.

34. Welcome Peru's contribution to mutual cultural cooperation by publishing the following books: Los Origenes del Amazonas, in Spanish, and Al Andalous Au Perou, in French.

IV - Dialogue of Civilizations:

35. Express the need to respect the diversity of cultures, religions and civilizations, which is part of the common human heritage; and stress that freedom of worship is one of the basic rights that should be respected and should not be subject to discrimination of any kind.

36. Express concern over the rise in instances of deliberate negative stereotyping of religions, their holly figures and followers, and call upon all members of the international community to fulfil their respective obligations under international human rights law, in particular concerning incitements to religious hatred, with a view to protect the right of everyone to freedom of thought, opinion, conscience, and religion without discrimination of any kind; and emphasize that respect for all religions is an essential pillar in creating an environment conducive to the full realization of human rights and fundamental freedoms.

37. Reaffirm our obligation to support the creation of new international spaces for intercultural dialogue, in accordance with the Brasília Declaration, from which we undertake to foster mutual trust and understanding for a peaceful coexistence among the nations, recognizing the importance of preserving national identity in a globalized world. Consider it to be a very positive option to work for comprehension among the peoples of both regions and for the recognition of cultural diversity. In this regard, welcome the contribution of the Argentine Republic as organizer of the regional seminar "Women and the Alliance of Civilizations, Opportunities and Challenges", which took place in Buenos Aires, in April 2008, in the framework of the Alliance of Civilizations.

38. Affirm the importance of supporting all the initiatives that aim to establish dialogue between civilizations, cultures, religions and peoples in general, and support cooperation with the United Nation's "Alliance of Civilizations" initiative, to create bridges of constructive contact, reciprocal knowledge and deeper understanding throughout the world. In this context, the ASPA Member States extend their best wishes to the II World Forum of the Alliance of Civilizations, to be held in the period of 6-7/4/2009, in Istanbul, and welcome the Brazilian Government's offer to convene the III Forum, in the first half of 2010, in Brazil.

39. Express appreciation for the initiative of the Custodian of the Two Holy Mosques, His Majesty King Abdullah Ibn Abdelaziz Al-Saud, King of the Kingdom of Saudi Arabia, to promote dialogue between world religions, faiths and cultures. In this regard, recall important initiatives, including the Mecca Appeal for Interfaith Dialogue (06/06/2008), the Madrid Declaration for Interfaith Dialogue (16-18/7/2008), and the Dialogue between the Believers of Religions, Faiths and Cultures, that took place during the high level meeting of UN General Assembly (12-13/11/2008)

40. Hold a seminar on "Dialogue between the Arab and South American countries".

41. Assess and analyze the outcome of the First UN Forum on the Alliance of Cultures and other relevant initiatives, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Commission on the Status of Women (CSW), so as to formulate the appropriate program and policies.

V - Economic Cooperation:

42. Note with satisfaction the holding of two joint Meetings of Ministers Responsible for Economic Affairs in Arab and South American Countries, in Quito (25-26/4/2006) and Rabat (23-24/5/2007), from which resulted the "Rabat Plan of Action", a bi-regional roadmap for greater integration and cooperation. Express satisfaction for what has been implemented of the Rabat Plan and call for its completion, specifically in the areas of energy, mining, tourism, transportation, finance and capital markets.

43. Reaffirm that peace, security and stability in our regions are to be considered the main pivot to enhance economic prosperity and achieve sustainable development.

44. Welcome the outcome of the Arab Economic, Development and Social Summit which was held in Kuwait in 19-20/1/2009, which promotes cooperation between both regions, and welcome the initiative for development of His Highness Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah, Emir of the State of Kuwait, totalling USD 2 billion, which aims to provide financial resources to fund small and medium size projects of the private sector in the Arab world; appreciate the pledge of the State of Kuwait to contribute USD 500 million.

45. Express our mutual concern at the international financial crisis and its ramifications on the economies of ASPA Member States, with a view to safeguarding our interests within the efforts deployed by the international community. In this regard, it is important to remark the

negative consequences of this crisis on vulnerable, small and less developed economies, in particular in landlocked countries. Emphasize the need to establish an international financial system which prevents financial speculation and takes into account adequate regulations. In this context, the construction of this new international finance architecture must be congruent with socioeconomic development. Financial cooperation instruments, in addition to the international efforts, should be implemented. Cooperation mechanisms among the countries of the South must be reinforced to prevent crisis and poverty, in terms of social inclusion and poverty reduction.

46. Emphasize the importance of a new international financial architecture and the need for the international financial institutions and the developed countries to play a role towards the consequences of the international financial crisis to support the developing countries, especially the poor ones, in order to face the effect of this crisis on their economies, respecting their political sovereignty and economic independence.

47. Reaffirm, in this regard, the importance of convening as early as possible an international conference in the framework of the UN to carry out the debate on the international financial crisis and its solutions, as agreed by the Doha Summit on Financing for Development and the United Nations General Assembly.

48. Recognize the risks that could arise if the Doha Round of Multilateral Trade Negotiations is not finalized, which threatens the expansion of exports of the developing and transitional countries, in addition to delaying global economic growth. Moreover, emphasize the urge to complete the Doha Round beforehand in a successful manner, in order to serve the development perspectives that encompass the opening of markets in a just, balanced and equal form, to make the developmental aspect a main target, giving special importance to sectors which have a competitive advantage either for agricultural or non-agricultural products, in light of the international financial crisis.

49. Consider opportune to point out that a more fluid commercial activity between both regions, concerning agricultural and industrial goods, and that a major technical cooperation in different areas will allow the implementation of new methods in order to add value to the products traded between both regions.

50. Welcome the significant increase of global trade between both regions since the holding of the First ASPA Summit, stressing that there are still unexplored possibilities which would allow for increased growth and diversification of bi-regional trade.

51. Welcome the initiatives aiming at the conclusion of trade agreements between South American and Arab countries. In this regard, note with satisfaction the launching of trade negotiations between the Southern Common Market (MERCOSUR) and Egypt, Jordan and Morocco, in 2008. Celebrate, as well, the resumption of negotiations between MERCOSUR and the Gulf Cooperation Council (GCC) with the aim to create a free trade zone. These initiatives contribute to significantly enhance South American-Arab relations.

52. Welcome the positive outcome of the International Follow Up Conference on Financing for Development, hosted by the State of Qatar during the period from 29/11 to 2/12/2008, which is related to the follow up of the implementation of the Monterrey Consensus.

53. Support the development of trade and partnership between both regions through strengthening the trade preferences system between the developing countries.

54. Express common support to ensure that all ASPA Member States applying for accession to the WTO may accede in a satisfactory and expedient manner, according to the rules and procedures of that Organization; also support the requests of regional organizations to obtain, according to the rules and procedures of the WTO, observer status in relevant WTO bodies.

55. Express commitment to intensifying the coordination of our positions in the economic and commercial fora in order to discuss common issues in accordance with the objectives of this Declaration. In this respect, reaffirm our commitment to strengthen the economic and social institutions of the United Nations in order to promote a broad and ambitious international economic, social and development agenda, and to implement the relevant resolutions adopted in the main conferences of the United Nations.

56. Emphasize the importance of a continuous and stable flow of financial resources for the promotion of economic and social development, particularly in the areas of infrastructure and the reduction of poverty and eradication of hunger. Stress in particular the need for the multilateral financial institutions to recognize that the public expenditures in the social areas for the formation of human capital and infrastructure should be treated as public investments.

57. Note with satisfaction, as well, the positive outcome of the Second Arab and South American Businessmen Forum - Partnerships and Opportunities, held in Doha in the period of 29-30/3/2009, which aimed at enhancing trade and investment between both regions.

58. Welcome and commend the "Energy for the Poor" initiative of the Custodian of the Two Holy Mosques, His Majesty King Abdullah Ibn Abdelaziz Al-Saud, King of the Kingdom of Saudi Arabia, which was launched during the OPEC Jeddah Energy Meeting, on 22/6/2008, and aimed at enabling the developing countries to face the increasing cost of energy.

59. Recognize the efforts and the initiatives in the field of energy developed in South America, aiming at alleviating the socioeconomic situation of developing countries, mainly initiatives such as PETROSUR and PETROCARIBE, promoted by Venezuela.

60. Congratulate Brazil on the successful realization of the International Conference on Bio-fuels: "Bio-fuels as a driving force of sustainable development", in the period of 17-21/11/2008, which promoted an open and informed discussion on issues related to bio-fuels, such as sustainability, energy security, climate change, innovation and international market.

61. Exchange information on procedures, policies and experiences for the optimal use of energy that may contribute not only to energy efficiency, but also to the sustainable production of

energy in general. Such initiatives should consider the need of development and dissemination of low cost technologies that may be effectively implemented in developing countries.

62. Foster the building of mechanisms for cooperation and information-sharing in the sector of oil, natural gas and other energy sources, including exchange of technical expertise, technology transfer, and human resources training.

63. Welcome the proposal of UAE to host the Headquarters of the International Renewable Energy Agency in Abu Dhabi.

64. Express with satisfaction for the practical steps taken by the Arab Ministerial Council for Tourism to prepare a Memorandum of Understanding between the League of Arab States and the South American countries to promote tourism movement and investment in this field, focusing on the role of the private sector.

65. Increase efforts towards a systematic dissemination of updated data on ASPA Member States, with regard to trade, investment and tourism opportunities, through the establishment of semi-permanent fairs, the conclusion of agreements on cooperation between agencies in charge of promoting exports and investment, the establishment or sponsorship of entrepreneurial missions and the organization of joint seminars. Express interest in exchanging experience and knowledge contributing to the development of the existing expertise in the institutions of the Arab and South American countries.

66. Consider that information and communication technologies may offer an opportunity to overcome the progress hurdles and that their application will yield high social impacts, regarding them as essential tools for achieving the Millennium Development Goals, and decide to exert further efforts towards realizing coordination within the international fora.

67. Promote stronger cooperation on information and communication between both regions' institutions, aiming to strengthen their infrastructure as a means to reinforce South-South information flow and to decrease the imbalances and inequalities in such areas.

68. Reaffirm that the use of nuclear energy for peaceful purposes is an inalienable right of the states parties to the NPT, and applying this right in a discriminatory or selective way, especially to the states parties, will affect the credibility of the treaty. Also reaffirm the importance of cooperation in this field and support economic and technical research, and decide to intensify exchange of experts between the research centers in the Arab and South American countries.

69. Reaffirm the commitment to building up an inclusive and development-oriented Information Society, as set out in the Declaration of Principles and in the Plan of Action of the Tunis phase 2005 of the World Summit on Information Society. Also affirm the importance of bi-regional cooperation in the fields of information and communication technology and the reduction of the digital gap.

70. Exchange information and documents, including information about updating laws and regulations regarding protection of intellectual property rights, basic information, and statistics on patents and infringement of intellectual property rights to enhance the League of Arab States and South American countries' roles as sources of information on intellectual property in Arab and South American countries. Stress the importance of exchanging information and collaboration in the field of copyrights and neighbouring rights, as well as provide the means and procedures for the due compliance with copyrights and neighbouring rights in accordance with each country's national laws and the related international conventions to which they are parties.

71. Promote cooperation among intellectual property offices and activities for the exchange of experiences in managing intellectual property rights. Reaffirm our commitment for the full implementation of the mandate contained in paragraph 19 of the Doha Development Agenda, concerning the examination of the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore.

72. Organize and hold joint meetings, educational seminars and training programs on different intellectual property issues.

73. Reaffirm the importance of balanced intellectual property systems and welcome the adoption, in 2007, by WIPO, of 45 Recommendations to enhance the development dimension in the Organization and the adoption by WHO of the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property in 2008, and their commitment to implement the intellectual property rights and public health goals laid out in the WTO's Doha Declaration.

74. Affirm the importance and necessity of transforming debts and interest on developing countries towards developed ones and towards international funding institutions into investments in the field of sustainable development.

75. Recognize the importance of the involvement of able countries and fund institutions in both regions in financing sustainable development projects, encouraging, in particular, micro-loan institutions, to fund micro community projects that generate income, in light of their contribution to protect the environment and to reduce the pressure on natural resources. Affirm the importance of involving civil society and the private sector of both regions in these efforts.

VI - Cooperation on Environmental Affairs and Sustainable Development:

76. Note with satisfaction the results of the joint Meetings of Ministers Responsible for Environmental Affairs, in Nairobi (6/2/2007), and of Ministers Responsible for Water Resources and Combating Desertification, in Riyadh (16-17/11/2008). Express satisfaction for the current impetus of bi-regional cooperation in these areas and call upon all ASPA Member States to take further measures to complete the implementation of the agendas set out in the "Arab-South American joint Communiqué on Environment" and the "Riyadh Communiqué on Water Resources and Combating Desertification".

77. Highlight the common goal that both regions have to preserve the environment and achieve sustainable development, agree to promote cooperation in upgrading the knowledge, technologies and traditional practices in combating desertification and drought, as well as, to implement projects related to the use and improvement of the quality of soil and water, desalination, conservation of ecosystems, protected areas and the promotion of ecotourism, management of water resources for irrigation and/or improvement of irrigation.

78. Promote the exchange of experience in supplying drinking water to rural communities, improving the quality of drinking water in marginal urban areas, sewage treatment and implementing technology in the field of groundwater extraction.

79. Stress the need for developed countries to fulfil their commitments regarding the financing of development, the transfer of technology and the expansion of market access for exports from developing countries, especially those contained in Chapter 34 of Agenda 21, the Convention of Biological Diversity and the United Nations Convention on Climate Change, and other international instruments, in such manner that contributes to the achievement of sustainable development and the objectives agreed by the international community.

80. Recognize that disaster and risk reduction strategies and measures are important elements for climate change adaptation and agree on promoting cooperation, exchange of experiences and adaptation knowledge.

81. Promote cooperation and links between national centres of cleaner production in the ASPA Member States with the aim of achieving an optimal use of resources and the reduction of pollution.

82. Enhance cooperation and coordination to stop illegal traffic in hazardous chemicals and wastes and recognize the importance of ratifying the Ban Amendment of the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal to expedite its entering into force.

83. Recognize the importance of exchanging best practices and strengthening research, scientific and technological cooperation between the two regions so as to develop agricultural systems and technologies designed to increase production and productivity with the aim of realizing food security for the both regions. Encourage investments in agriculture in those countries of both regions rich in water resources. Call upon developed countries to expand access for developing countries' exports to world markets as a contribution in the development efforts and to the realization of the Millennium Goals approved by the international community.

84. Recognize also the imperative need to coordinate policies that guarantee food security and food sovereignty for all populations as well as timely and permanent access to food, and to enhance cooperation in rural development, so as to improve productivity in food production.

85. Recognize further the importance of enhancing cooperation and developing technologies to face the challenges and opportunities of renewable sources of energy in a manner that would

take into account food security and sustainable development in the countries of the both regions.

86. Reaffirm their commitment to participate in the global effort to address climate change, according to the principle of common but differentiated responsibilities and respective capabilities, under the provisions of the United Nations Framework Convention on Climate Change. In this sense, recall that economic development is essential for adopting measures to address climate change and that the fight to eradicate poverty is an absolute priority for developing countries.

87. Call upon the developed countries to respond to the challenges posed by climate change and to substantially support the mechanisms of the Kyoto Protocol.

88. Call upon the developed countries to fulfil their commitments in the global effort to address climate change, in accordance with their historical responsibilities, and to adopt new and ambitious targets to reduce their greenhouse gas emissions for the second commitment period of the Kyoto Protocol. These commitments should also include the provision of new and additional financial and technological support for actions in developing countries in a measurable, reportable and verifiable manner.

89. Urge the international community to support the developing countries, through international financial mechanisms, in their efforts to conserve and manage their forests on a sustainable basis.

90. Recall that dealing with the potential impacts of climate change requires international action and solidarity in the context of sustainable development, based on the principle of common but differentiated responsibilities and respective capabilities. Recognize specific needs and concerns of developing countries arising from the adverse effects of climate change and the impact of the implementation of response measures, while taking into consideration Article 4.8 of the UNFCCC.

VII - Scientific, Technological and Educational Cooperation:

91. Stress the importance of research, scientific and technological cooperation, specially in order to strengthen bi-regional cooperation in the fields of higher education , technological and scientific research in general, with emphasis on the applied research aimed at the solution of urgent development problems (through student exchange programs, training, research and study grants) and, in particular, exchange of experiences in the fields of the assessment and development of water resources, the rationalization of its use, and the improvement and increase of water use efficiency, particularly in irrigation.

92. Affirm the importance of supporting cooperation between research and scientific centres in the two regions so as to develop low cost technologies for water desalination in a way that enables the expansion in its use for developmental aims including agriculture.

93. Strengthen and develop cooperation through benefiting from modern technologies such as remote sensing and geographic information systems in areas related to climate change, such as the preparation and develop...ent of models for climate studies at the level of agricultural systems, the establishment and development of early warning systems for monitoring desertification, droughts, forecasting at the level of environmental systems, countries and sites and changes in land use.

94. Affirm the importance of strengthening cooperation and exchange of experiences in the field of combating desertification, rehabilitation of degraded areas and the implementation of national action plans for combating desertification.

95. Stress that the South-South Cooperation in science and technology constitutes a cooperation policy that should be implemented by the ASPA Member States to face the challenge of deepening the development and the economic and social progress of our people.

96. Underline the need that countries with middle incomes keep receiving resources from developed countries and also ponder their participation in triangular cooperation.

97. Welcome the improvement of scientific and technologic cooperation in the areas of priority interest of both regions and urge the ASPA Member States to keep presenting proposals in order to perform joint actions.

98. Exchange educational information between countries of both regions via Internet, by correspondence or through the ASPA website on science and technology (www.aspa-science.org), so as to increase knowledge of these countries' experiences regarding modern concepts of sponsorship of teachers and training programs in career development, productivity upgrading, performance evaluation of teachers, modern methods and strategies of teaching and learning and the use of technology in both.

99. Exchange also expertise in educational technology through field visits of specialists from both regions to centres and institutions of design and production of education techniques; also dispatch specialists in educational technology to South American countries to participate in training courses and visit related exhibitions that show scientific experiments in this field, so as to enhance knowledge about South American experiences in using education and communication technology. Establish a joint research Committee to create the appropriate framework for the use of educational technology.

100. Exchange expertise in the field of school libraries and centres for sources of learning and establish joint institutes for pedagogical research and techniques, with a view to developing the educational process, particularly teaching techniques; establish joint committees for pedagogical cooperation through field visits, presentation of pedagogical experiences in concerned countries; establish a scientific and pedagogical network concerned with education techniques; organize pedagogical workshops to foster modern concepts in education techniques and to establish a centre for distant learning among countries of both regions.

101. Organize joint seminars, courses and pedagogical conferences to exchange experience in this field in general and in the field of pedagogical supervision in particular, and exchange publications, books, periodicals, thesis and research papers in the fields of pedagogical assessment and supervision.

102. Cooperate in conducting joint field studies to enrich the pedagogical and educational fields with related innovations especially with regard to the use of Information and Communications Technology in education and research institutions and to the discussion of a number of related issues such as: overall quality, teaching and learning strategies, relation between education and ICT. In this regard, the employment of free and open-source software and collaborative tools could, in accordance with each country's policies, be stimulated.

103. Cooperate also in extra-curricular activities, services and guidance, to obtain information about physical education and sports programs in South American schools and innovations therein; coordinate actions regarding boy and girl scout leader courses in both regions and exchange experience and delegations in these fields.

104. Implement joint projects and programs to sponsor talented and creative youth, exchange literature, information and advanced training programs in these fields.

105. Promote the enhancement of the mobility of students from one region to the other at the undergraduate and graduate levels as a means to cooperate to the other region's economic development through training of human resources at university level.

106. Carry out actions geared to the creation and execution of a Scientific and Technological Bi-regional Cooperation Program for Talent Exchange and Training, with the aim of bringing both regions' scientific communities closer together through the development of research team projects to foment technology transfer.

107. Work on the exchange of technical experiences from both regions in providing special programs for students with learning difficulties and those having audio, visual or mental disabilities.

108. Welcome the suggestion of holding a Joint Meeting for Ministers of Education in Arab and South American Countries in order to promote the dissemination of information related to educational policies applied by the countries from both regions.

VIII – Social Cooperation:

109. Note with satisfaction the positive steps taken in the First Meeting of Ministers Responsible for Social Affairs (Cairo, 2-3/5/2007) in the development of a collaborative agenda to work on eradicating extreme poverty and fighting hunger; the implementation of the Millennium Development Goals; the promotion of human development and social development; financing development; and cooperation between both regions in the social and developmental domains.

110. Note with special satisfaction, in this regard, Brazil's intention to host the Second Meeting of Ministers of Social Affairs, which will take place in Brasilia, in the second half of 2009.

111. Recognize the importance of having the appropriate environment to implement the development programs and promote social policies, as well as the necessity of cultural integration, in accordance with the applicable agreements of both regions and the international instruments, especially the UN Millennium Summit Declaration, Agenda 21, Resolutions of the World Summit on Development, the Doha Declaration on Financing for Development, the UN Declaration on the Right to Development and all relevant international instruments. Consider the fact that globalization has not been able in itself to generate the necessary social changes to reduce poverty and eradicate hunger in our societies; and that the Arab and South American countries are able to abide by their commitments and overcome the challenges to achieve comprehensive objectives and goals of social development and benefit from each other's experiences.

112. Activate national strategies in the two regions to alleviate poverty through enriching the applicable matrix of poverty indicators by including indicators pertaining to human poverty and deprivation, social exclusion, along with other financial indicators; develop necessary policies that guarantee the achievement of pro-poor economic growth by improving the investment climate in the two regions and mainstream programs and policies of clear priorities for poverty reduction strategies, establishing schemes for national aids aiming at providing direct financial support to the poor, extreme poor and people with disability, while creating micro credit and financing for income generation to help poor households create income-generating enterprises and paying special attention to monitoring the implementation of such programs and policies.

113. Promote the participation of all social components in the quest to attain social justice in accordance with national legislations, in order to contribute to the comprehensive development and reduction of poverty.

114. Reaffirm the adherence of the two regions to MDGs and mainstream the activities related to these goals, requirements and needs into the annual plans and programs of the sectoral institutions as an integral part of comprehensive economic and social developmental policy. Agree on the need to mainstream MDGs implementation and their linkage to the goals of international human development-oriented conferences, in a consistent manner that would enhance the commitment of the two regions and promote follow-up mechanisms, as well as monitor their implementation at the national and regional levels.

115. Develop know-how in different domains so as to enable the two regions to achieve the MDGs, as well as other international commitments in the social area. These domains can include income sources, purchasing power parity, labour market and its fragility, regional particularities and social protection. Poverty reduction-driven policies and social justice achievement shall depend on firmer catalysts and new criteria.

116. Join efforts for the exchange of experiences in subjects such as social security, inspection, working conditions and environment and employing public services in the socio-labour area, all based on the principles of solidarity, reciprocity and complementarity among the populations.

117. Support and value the initiative of His Excellency Zine El Abidine Ben Ali, President of the Republic of Tunisia, to make year 2010 as the International Year for Youth, and hold an "International Youth Conference" under the auspices of the United Nations.

118. Encourage the implementation and assessment of proposed programs for confronting the global problem of drugs and drug-related crimes; also emphasize the essential role of international cooperation in this respect and study relevant proposals for including the issue in school curricula.

IX – Follow up Mechanisms:

119. ASPA STRUCTURE:

Establish an organizational structure for ASPA in order to make it more dynamic as follows:

a) (Highest level) The Summit, formed by Heads of State and Governments, to meet every three years;

b) (Second level) The Council of Ministers of Foreign Affairs, to meet every two years;

c) (Third level) The Council of High Officials from Ministries of Foreign Affairs, formed by the National Coordinators (Focal Points), to meet every six months;

d) (Fourth level – 1) The Sectorial Committees, formed by experts in each area (Nodal Points), to meet at least twice a year;

e) (Fourth level – 2) The Executive Coordination Group, formed by the Chair of the Arab Summit, the General Secretariat of the League of Arab States, representing the Arab Countries, the Presidency of the UNASUR, and Brazil (which will temporarily join this group until the General Secretariat of UNASUR becomes fully structured), representing the South American countries. This Group should meet twice a year.

120. Welcome by acclamation the initiative made by the Republic of Peru to host the Third ASPA Summit in Lima in the first half of 2011.

121. Upcoming Meetings:

- The Third South American and Arab Countries Summit will take place in Lima, 2011.
- The next meeting of Ministers of Foreign Affairs of South American and Arab Countries will be held in an Arab country, to be duly defined, in 2011.
- The Ministerial Sectorial Meetings will be scheduled in coordination between both regions.
- The Sixth High Officials Meeting will be held in a South American country, to be duly defined, in the second half of 2009.

United Nations S/2009/242

Security Council

Distr.: General
13 May 2009

Original: English

Letter dated 11 May 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

In my capacity as the Representative of the current Chairman of the African Union, I have the honour to forward to you the attached press statement issued by the Peace and Security Council of the African Union at its 187th meeting, held on 8 May 2009 in Addis Ababa, concerning the situation in Eastern Chad (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Abdurrahman **Shalgham**
Ambassador
Permanent Representative of the Libyan Arab Jamahiriya
to the United Nations
Representative of the Chairman of the African Union

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Annex to the letter dated 11 May 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

[Original: English and French]

Press statement of the 187th meeting of the Peace and Security Council

Addis Ababa, 8 May 2009

The Peace and Security Council of the African Union, at its 187th meeting, held on 8 May 2009, received briefings by the Permanent Representative of the Republic of Chad and the Commission on the incursions by armed elements in Eastern Chad and the situation on the ground.

The Council strongly condemned the attacks perpetrated on 4 May 2009 by armed groups in Eastern Chad. In this regard, the Council reaffirmed the rejection and condemnation by the African Union of any destabilization attempt and unconstitutional change of Government.

The Council endorsed the communiqué issued by the Chairperson of the Commission on 5 May 2009 on the situation in Eastern Chad and welcomed the efforts that he continues to deploy, as well as those of the current Chairperson of the African Union.

The Council expressed its serious concern about the deterioration of the situation, deeply regretted the loss of lives and made an urgent appeal for the cessation of hostilities.

The Council noted with regret that this escalation has occurred after the agreement between the Sudan and Chad, reached in Doha on 3 May 2009, as part of efforts to contribute to the normalization of relations between the two countries.

The Council requested strict respect for the commitments made and for the relevant principles of the African Union, particularly non-interference and good neighbourliness, so that the region can overcome the current difficulties and persevere in the search for peace, stability and security. The Council demanded that the States of the region take, without delay, the necessary steps to prevent their territories from being used by armed groups involved in criminal and destabilization activities.

The Council agreed to meet again for further consideration of the situation and the relations between the Sudan and Chad.

United Nations S/2009/243

Security Council

Distr.: General
13 May 2009

Original: English

Letter dated 12 May 2009 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Africa, tentatively from 14 to 21 May 2009. The mission will travel to Ethiopia, Rwanda, the Democratic Republic of the Congo and Liberia. Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland) and Ambassador Ruhakana Rugunda (Uganda) will co-lead the Ethiopia (Addis Ababa) and Rwanda (Kigali) segments; Ambassador Jean-Maurice Ripert (France) will lead the Democratic Republic of the Congo (Goma and Kinshasa) segment; and Ambassador Susan Rice (United States of America) will lead the Liberia (Monrovia) segment. The members of the Council have agreed on the terms of reference of the mission (see annexes).

Following consultations with the members, it has been agreed that the composition of the mission is as follows:

Ambassador Thomas Mayr-Harting (Austria)

Ambassador Michel Kafando (Burkina Faso)

Counsellor Long Zhou (China)

Ambassador Jorge Urbina (Costa Rica)

Ambassador Ranko Vilović (Croatia)

Ambassador Jean-Maurice Ripert (France)

Ambassador Yukio Takasu (Japan)

Ambassador Abdurrahman Shalgham (Libyan Arab Jamahiriya)

Ambassador Claude Heller (Mexico)

Senior Counsellor Vladimir Safronkov (Russian Federation)

Minister Fazli Çorman (Turkey)

Ambassador Ruhakana Rugunda (Uganda)

Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland)

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Ambassador Susan Rice (United States of America)

Ambassador Hoang Chi Trung (Viet Nam)

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(*Signed*) Vitaly **Churkin**
President of the Security Council

Annex I

Security Council mission to Africa: terms of reference

African Union

Led by the Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland) and Ambassador Ruhukana Rugunda (Uganda)

1. To continue to develop an effective partnership and enhance cooperation between the African Union and the United Nations through an exchange of views on issues of interest to both the United Nations Security Council and the African Union Peace and Security Council.

2. To exchange views on situations of interest to both the United Nations Security Council and the African Union Peace and Security Council, which include but are not limited to the following:

(a) A brief overview of the peace and security situation in Africa;

(b) The situation in the Sudan:

(i) Darfur: the challenges to the political process and the functioning of the African Union-United Nations Hybrid Operation in Darfur (UNAMID);

(ii) Humanitarian situation in Darfur;

(iii) Implementation of the Comprehensive Peace Agreement and the challenges being faced;

(iv) Sudan/Chad: the role of the Dakar contact group and the challenges to the implementation of the Doha Agreement and previous bilateral agreements;

(c) The situation in Somalia:

(i) Political, security and military developments in Somalia and the functioning of the African Union Mission in Somalia (AMISOM), including the United Nations logistical support package for AMISOM;

(ii) Piracy;

(d) The situation in the Great Lakes region, in particular eastern Democratic Republic of the Congo: progress and challenges to stabilization in eastern Democratic Republic of the Congo;

(e) The resurgence of unconstitutional changes of government: efforts undertaken by the African Union to resolve and prevent unconstitutional changes of Government.

Annex II

Security Council mission to Africa: terms of reference

Great Lakes region (Democratic Republic of the Congo, Rwanda)

General elements

1. To recall the commitment of the Security Council to the sovereignty, territorial integrity and political independence of all States in the region.

2. To express the strong support of the Security Council for the improvement of relations among the countries of the region and to encourage them to continue reinforcing their political, military and economic cooperation in order to guarantee the long-term stabilization of the Great Lakes region.

3. To reiterate support for the strengthening of the regional dynamic, including through the development, where appropriate, of economic projects of common interest and the implementation of appropriate steps to facilitate legal trade and put an end to illegal trafficking of natural resources.

4. To stress that all parties should reinvigorate their participation in the Goma and Nairobi processes, which are the agreed framework for stabilizing the eastern part of the Democratic Republic of the Congo, and urge all parties to fully recommit to their respective disarmament, demobilization and reintegration and disarmament, demobilization, repatriation, resettlement and reintegration programmes.

5. To emphasise the support of the Council for action against the Lord's Resistance Army (LRA).

6. To underline the importance of full implementation of the sanctions measures put in place through resolution 1857 (2008).

7. To underscore the scale of the resources committed by the United Nations to peacekeeping in the Great Lakes region and the need for a clear commitment of cooperation on the part of all national and regional actors.

8. To emphasize the continuing concerns of the Council about the protection of civilians, to address the situation of internally displaced civilians and to advocate for respect for human rights and international humanitarian law, to raise awareness of the need for sexual violence and child protection issues to be addressed, and to encourage the parties and Governments concerned to ensure that those responsible for serious violations of human rights and humanitarian law are brought to justice.

Additional elements for the Democratic Republic of the Congo

Led by Ambassador Jean-Maurice Ripert (France)

9. To acknowledge the primary responsibility of the Government of the Democratic Republic of the Congo to consolidate peace and stability, and to promote recovery and development in the country, which require long-term sustained efforts and appropriate international support.

10. To reaffirm the support of the Security Council to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and to

receive a briefing on the MONUC strategic workplan requested by the Council in its resolution 1856 (2008).

11. To get updates on the Kimia II and Rubia II operations, jointly planned and conducted by the Armed Forces of the Democratic Republic of the Congo (FARDC) and MONUC against the Forces démocratiques de libération du Rwanda (FDLR), the Lord's Resistance Army and other armed groups, and to reaffirm that all military operations should be carried out in accordance with international humanitarian, human rights and refugee law and take appropriate measures to protect civilians.

12. To call on the Congolese authorities to intensify their efforts to reform the security sector, with the assistance of the international community.

13. To emphasize the support of the Council for the strengthening of democratic institutions, the rule of law, and good governance in the Democratic Republic of the Congo, including through the holding of local elections.

14. To examine ways to improve the protection of civilians in the Democratic Republic of the Congo, and in particular to strengthen its efforts to prevent and respond to sexual violence and to enhance child protection, bearing in mind the conclusions of the Security Council Working Group on Children and Armed Conflict.

15. To recall the utmost importance of the fight against impunity, notably in the eastern part of the Democratic Republic of the Congo, by bringing to justice those who have committed crimes and atrocities.

Additional elements for Rwanda

Led by Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland)

16. To discuss Rwandan concerns in the region, and how these can be addressed while respecting the sovereignty and territorial integrity of all States in the Great Lakes region.

Annex III

Security Council mission to Africa: terms of reference

Liberia

Led by Ambassador Susan Rice (United States of America)

1. To reaffirm the continued support of the Security Council for the Government and people of Liberia as they rebuild their country, strengthen the foundations of sustainable peace, constitutional democracy, and economic development and assume their rightful place in the community of nations.

2. To express support for the United Nations Mission in Liberia (UNMIL) and the Special Representative of the Secretary-General and their efforts to promote peace and security in Liberia.

3. To review progress in the implementation of the mandate of UNMIL, in particular progress made in meeting the benchmarks outlined in the eighteenth progress report of the Secretary-General (S/2009/86), and assess the logistic constraints affecting the UNMIL troop and police mobility.

4. To assess the operational capacity and sustainability of the Liberian National Police and other national security institutions, and assess progress made in training the Armed Forces of Liberia.

5. To encourage Liberian authorities to increase their efforts to prepare national security institutions to assume greater responsibility for responding to law and order challenges.

6. To express support for the efforts of the Government of Liberia to extend and consolidate effective State authority in all 15 counties of the country, with the assistance of the international community.

7. To examine the impact of subregional factors on the situation in Liberia, and explore ways to strengthen regional cooperation, including measures to counter the threat of illegal drug trafficking.

8. To underline the importance of promoting and protecting the rights of civilians, in particular women and children, and assess progress in combating violence against children and women, including sexual and gender-based violence and sexual exploitation and abuse.

9. To underline the support of the Council for civil society, including women's groups.

10. To underline the need for full implementation of the sanctions regime on Liberia.

United Nations S/2009/244

Security Council

Distr.: General
13 May 2009

Original: English

Letter dated 12 May 2009 from the Permanent Observer of the League of Arab States addressed to the President of the Security Council

I have the honour to forward the letter dated 10 May 2009 addressed to you from Mr. Amre Moussa, the Secretary-General of the League of Arab States, regarding the situation in Gaza as a result of the Israeli attack which started on 27 December 2008 which led to the dire humanitarian situation in the Strip. Enclosed, please, find the final version of executive summary of the report prepared by the Independent Fact-Finding Committee on Gaza (the full report is available on the Arab League website (www.arableagueonline.org)) (see annex).

Pursuant to Article 54 of the Charter of the United Nations, I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

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Annex to the letter dated 12 May 2009 from the Permanent Observer of the League of Arab States addressed to the President of the Security Council

I am writing to you regarding the situation in Gaza as a result of the Israeli attack which started on 27 December 2008 and led to the dire humanitarian situation in the Strip.

There are numerous allegations of war crimes as well as severe violations of international humanitarian law committed during the Israeli aggressive operations.

Stemming from the need for credible assessments, the League of Arab States decided to send an Independent Fact-finding Committee of independent international experts to the Strip. The Committee was headed by Mr. John Dugard of South Africa, and was composed of the following members: Mr. Gonzalo Boye of Germany and Chile; Judge Finn Lynghjem of Norway; Professor Paul de Waart of the Netherlands; and Professor Francisco Corte-Real of Portugal, as the forensic body damage evaluator. Ms. Raelene Sharp of Australia served as the Rapporteur. The Committee visited Gaza during the period from 22 to 27 February 2009 and held meetings with a wide spectrum of personalities, including representatives of international organizations and non-governmental organizations, as well as victims affected by the armed conflict. Members of the Committee also visited a number of sites that were attacked in the Strip.

The final version of the executive summary of the report prepared by the Committee is enclosed herewith (see enclosure). The full report is available on the website of the Arab League (www.arableagueonline.org).

(*Signed*) Amre **Moussa**

Enclosure

Report of the Independent Fact-Finding Committee On Gaza:

No Safe Place.

Presented to the League of Arab States.

30 April 2009.

Executive Summary.

1. The Independent Fact Finding Committee on Gaza to the League of Arab States (the Committee) was established in February 2009 with the tasks of investigating and reporting on violations of human rights law and international humanitarian law during the Israeli military offensive (hereinafter operation *Cast Lead*) against Gaza from 27 December 2008 to 18 January 2009 and collecting information on the responsibility for the commission of international crimes during the operation. The Committee comprised Professor John Dugard (South Africa: Chairman), Professor Paul de Waart (Netherlands), Judge Finn Lynghjem (Norway), Advocate Gonzalo Boye (Chile/Germany), Professor Francisco Corte-Real (Portugal: forensic body damage evaluator) and Ms Raelene Sharp, solicitor (Australia: Rapporteur).

2. The Committee held an initial meeting with the Secretary-General of the Arab League and his staff in Cairo on 21 February. It then travelled to Gaza on 22 February, which it entered at the Rafah crossing. The Committee was accompanied by three representatives of the League: Mr Radwan bin Khadra, Legal Advisor to the Secretary General and Head of the Legal Department, Mrs Aliya Ghussien, Head of Palestine Department, and Ms Elham Alshejni, from the Population Studies and Migration Department. The Committee was also accompanied by Mr Omar Abdallah from the Egyptian Foreign Ministry.

3. The Committee remained in Gaza from 22 to 27 February. The programme for its visit was organized by the Palestinian Centre for Human Rights, which provided logistical support to the Committee. The Committee met with a wide range of persons, including victims of operation *Cast Lead*, witnesses, members of the Hamas Authority, doctors, lawyers, businessmen, journalists and members of NGOs and United Nations agencies. It visited the sites of much of the destruction, including hospitals, schools, universities, mosques, factories, businesses, police stations, government buildings , United Nations premises, private homes and agricultural land.

4. The Committee collected a wealth of information from many sources, including the websites of the Israeli Foreign Ministry and Israel Defense Forces (IDF), Israeli newspapers and NGO reports, the reports of Palestinian and international NGOs, United Nations publications, Palestinian official documents and the testimony of witnesses to the conflict. On three occasions, the Committee wrote to the Government of Israel requesting its co-operation. Such letters were faxed to the Government in Israel and later delivered to the Israeli embassies in the Netherlands and Norway. The Committee received no response to its requests for co-operation, which compelled it to rely on official websites, publications and the media for information about the Israeli perspective. The Committee regrets the decision of the Government of Israel to withhold co-operation

5. The Committee's visit to and experiences in Gaza inevitably influenced and shaped its opinions and assisted it in making its findings. The Committee's impressions and the inferences that it drew from what it saw and heard were corroborated by information from other sources. However, it could not have carried out its mandate without the visit to Gaza which allowed it to see for itself the destruction and devastation caused by operation *Cast Lead* and to speak to those who had experienced and suffered through the offensive.

6. The Committee's report is divided into three main parts: a factual description and analysis; a legal assessment and possible remedies; and recommendations. The factual

description includes a report by the body damage evaluator, who examined 10 individuals who sustained injuries during operation *Cast Lead*. Operating under internationally recognised standards, the report documents the injuries suffered and their alleged causes.

The Facts

7. The Committee saw, heard and read evidence of great loss of life and injury in Gaza. Statistics accepted by the Committee show that over 1,400 Palestinians were killed, including at the very least 850 civilians, 300 children and 110 women. Over 5,000 Palestinians were wounded. The Committee was unable to accept the figures given by Israel, which claim that only 295 of those killed were civilians, as they do not provide the names of the dead (unlike Palestinian sources). Moreover, Israel includes policemen as combatants, whereas they should be considered as civilians, and it asserts that only children below the age of sixteen qualify as such, whereas the accepted international age for children is eighteen. The Committee heard disturbing accounts of cold-blooded killing of civilians by members of the IDF, accounts which were later confirmed by Israeli soldiers at the Oranim military college.

8. Four Israeli civilians were killed by Palestinian rockets during operation *Cast Lead* and 182 wounded. Ten Israeli soldiers were killed (three by friendly fire) and 148 wounded.

9. Palestinian fighters had only unsophisticated weapons - Qassam rockets and Grads- whereas Israel was able to employ the most sophisticated and modern weaponry to bombard the population of Gaza from the air, land and sea. Although Israel initially denied it had used white phosphorous in the offensive it later admitted its use but denied it had been used unlawfully. The Committee is, however, satisfied on the available evidence that white phosphorous was used as an incendiary weapon in densely populated areas.

10. There was substantial destruction of, and damage to property during the offensive. Over 3,000 homes were destroyed and over 11,000 damaged; 215 factories and 700 private businesses were seriously damaged or destroyed; 15 hospitals and 43 primary health care centres were destroyed or damaged; 28 government buildings and 60 police stations were destroyed or damaged; 30 mosques were destroyed and 28 damaged; 10 schools were destroyed and 168 damaged; three universities / colleges were destroyed and 14 damaged; and 53 United Nations properties were damaged.

11. It was clear to the Committee the IDF had not distinguished between civilians and civilian objects and military targets. Both the loss of life and the damage to property were disproportionate to the harm suffered by Israel or any threatened harm. There was no evidence that any military advantage was served by the killing and wounding of civilians or the destruction of property.

12. The Committee received evidence of the bombing and shelling of hospitals and ambulances and of obstructions placed in the way of the evacuation of the wounded.

13. The 22-day offensive with bombing and shelling from the air, sea and land traumatized and terrorised the population. Israel dropped leaflets warning the population to evacuate, but in most cases failed to give details of the areas to be targeted and conversely which areas were safe. Phone calls were equally confusing. Generally, the leaflets and phone calls simply served to confuse the population and to cause panic.

14. Israel has defended its actions by arguing that buildings were used to store munitions and hide militants and that the Palestinians made use of women and children as human shields. The Committee received evidence of human shields being used by both Hamas and Israel and has not been able to verify the truth of these allegations. Nevertheless it does not believe that such large scale killing and wounding can be attributed to the use of human shields. Similarly, Israel has produced no credible evidence of buildings being used to harbour munitions and militants. Again, it is likely that this did occur in some cases but it could not possible justify the type and amount of killing and wounding and damage to property that occurred.

15. The IDF conducted an internal investigation into allegations that its forces committed international crimes. It found that although there were a few irregularities international crimes were not committed by its forces. The Committee is unable to accept those findings. The Committee finds the IDF investigation to be unconvincing as it was not independent. There is also no suggestion that it considered Palestinian sources.

Legal Assessment

16. Before making its legal assessment, the Committee considered a number of issues that might affect criminal responsibility for any crimes that were committed. The Committee found that:

    (1) Gaza remains occupied territory and that Israel is obliged to comply with the Fourth Geneva Convention in its actions in Gaza.

    (2) Due to the uncertain meaning of 'aggression' it could make no finding on the question whether Israel's offensive constituted aggression.

    (3) Israel's actions could not be justified as self-defence.

    (4) It could not examine the criminal responsibility of either Israel or Hamas in the context of international terrorism as the meaning of both state terrorism and terrorism by non-state actors is too uncertain; consequently, criminal responsibility was best measured in accordance with the rules of international humanitarian law.

    (5) Principles of proportionality should be applied in assessing criminal responsibility.

17. The focus of the report is on international crimes and the available remedies for prosecuting such crimes. Consequently little attention is paid to violations of human rights law and international humanitarian law that do not constitute international crimes. Nevertheless, the Committee found that there had been serious violations of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. There were also violations of the Fourth Geneva Convention and its Additional Protocols, particularly in respect of the prohibition on collective punishment.

18. The Committee then turned to the question of international criminal responsibility arising from the conflict. Here it considered war crimes, crimes against humanity and genocide.

War Crimes

19. The Committee examined the responsibility of parties to the conflict for the commission of only of those war crimes which are generally accepted and whose meaning and content is clear.

20. The Committee found that the IDF was responsible for the crime of indiscriminate and disproportionate attacks on civilians. In reaching this conclusion the Committee had regard to the number of civilians killed and wounded and to the extent of the destruction to civilian property. It rejected Israel's determination of who is a civilian. Members of the Hamas civil government responsible for administering the affairs of Gaza are not combatants as claimed by Israel. Nor are members of the police force responsible for maintaining law and order and controlling traffic.

21. The Committee also found that Palestinian militants who fired rockets into Israel indiscriminately, committed the war crime of indiscriminate and disproportionate attacks on civilians.

22. The Committee found that the IDF was responsible for the crime of killing, wounding and terrorizing civilians. The Committee based this finding on the number of civilians killed by 22 days of intense bombardment by air, sea and land. The Committee also found the weapons used by the IDF, particularly white phosphorous and flechettes, caused superfluous and unnecessary suffering.

23. The Committee rejected Israel's claim that it had warned civilians to evacuate their homes by leaflets and phone calls. The leaflets and phone calls generally failed to tell civilians which targets were to be bombed and where they might find safety. As a result they only served to cause confusion and panic. Incessant bombing and misleading warnings of this kind served to terrorize the population.

24. The Committee found that Palestinian militants who fired rockets indiscriminately into Israel which killed four civilians and wounded 182 committed the war crime of killing, wounding and terrorizing civilians.

25. The Committee found that the IDF was responsible for the wanton destruction of property and that such destruction could not be justified on grounds of military necessity. The number of civilian properties destroyed was completely disproportionate to any harm threatened and there was no credible evidence that the destruction served any military advantage.

26. There was considerable evidence that the IDF and its members had bombed and shelled hospitals and ambulances and obstructed the evacuation of the wounded. In the opinion of the Committee this conduct also constituted a war crime. The Committee was not able to accept the findings of the IDF internal investigation on this subject as it took no account of Palestinian allegations.

Crimes Against Humanity

27. A crime against humanity comprises acts of murder, extermination, persecution and similar other inhumane acts committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack. The Committee found that Israel's offensive met the legal requirements for this crime and that the IDF was responsible for committing this crime.

Genocide

28. Genocide is considered the "crime of crimes". It has been singled out for special condemnation and opprobrium. The very suggestion that a state has committed genocide should therefore be approached with great care. Nevertheless the Committee believes that operation *Cast Lead* was of such gravity it was compelled to consider whether this crime had been committed.

29. The Committee found Israel's actions met the requirements for the *actus reus* of the crime of genocide contained in the Genocide Convention, in that the IDF was responsible for killing, exterminating and causing serious bodily harm to members of a group - the Palestinians of Gaza. However, the Committee had difficulty in determining whether the acts in question had been committed with a special intent to destroy in whole or in part a national, ethnical or religious group, as required by the Genocide Convention. It rejected the argument that Israel had carried out operation *Cast Lead* in self-defence. However, it found the main reason for the operation was not to destroy a group, as required for the crime of genocide, but to engage in a vicious exercise of collective punishment designed either to compel the population to reject Hamas as the governing authority of Gaza or to subdue the population into a state of submission.

30. The Committee found although operation *Cast Lead* had not been carried out by the IDF to destroy the Palestinians of Gaza as a group, individual soldiers may well have had such an intent and might therefore be prosecuted for this crime. This finding was based on the brutality of some of the killing and reports that some soldiers had acted under the influence of rabbis who had encouraged them to believe that the Holy Land should be cleansed of non-Jews.

State Responsibility For Genocide

31. Under international law a state may be held responsible for the commission of internationally wrongful acts that are attributable to it. Such responsibility may arise from customary international law or in terms of treaty obligations. It is clear internationally wrongful acts were committed by Israel in operation *Cast Lead*.

32. Most human rights and international humanitarian law treaties do not confer jurisdiction on the International Court of Justice for the commission of internationally wrongful acts under such conventions. However, the Genocide Convention, in Article 9, confers such jurisdiction on the International Court of Justice in respect of the responsibility of a state for violation of the Convention, at the request of any other state party. It is not be necessary for the other state party to show that it has a national interest in the dispute as the prohibition on genocide is an obligation *erga omnes*.

33. Proof of the commission of genocide is a prerequisite for bringing a claim under the Genocide Convention. It has already been shown that the Committee was not able to find that the state of Israel acting though the IDF had the necessary specific intent to destroy a group as required for the crime of genocide. On the other hand, there is a prospect that such a claim might succeed if it can be proved that individual members of the armed forces committed acts of genocide while they were acting under the direct control of the Government of Israel. Such a scenario would allow Israel to be held responsible under the Genocide Convention for failure to prevent or to punish genocide.

Responsibility Of Israel

34. The Committee has found that members of the IDF committed war crimes, crimes against humanity and, *possibly*, genocide in the course of operation *Cast Lead*. Those responsible for the commission of such crimes are individually responsible for their actions, as are those who ordered or incited the commission of such crimes or participated in a common purpose to commit such crimes. Military commanders and political leaders are likewise responsible for crimes committed under their effective command, authority or control where they knew or should have known the forces were committing such crimes and they failed to prevent or repress the commission of such crimes or to investigate and prosecute those responsible.

Responsibility Of Hamas

35. As the governing de facto authority of Gaza, Hamas may be held responsible for violations of international humanitarian law attributed to it. Individuals who have fired rockets indiscriminately into Israel are criminally responsible for their actions and must be held accountable for them under the law governing the commission of war crimes. In assessing the responsibility of Hamas and individual Palestinian militants there are a number of factors that reduce their moral blameworthiness but not their criminal responsibility. Such factors include the fact Palestinians have been denied their right to self-determination by Israel and have long been subjected to a cruel siege by Israel.

Remedies

36. There are a number of remedies in the criminal law field that may be invoked by states, NGOs and individuals to secure redress for crimes committed in Gaza. These include prosecutions for violation of the Fourth Geneva Convention in national courts in accordance with Articles 146 and 147 of the Convention, prosecutions pursuant to universal jurisdiction statutes which allow a person to be prosecuted in a third country for an international crime committed extraterritorially, and referral to the International Criminal Court. On 22 January 2009 the Palestinian Minister of Justice, Mr Ali Kashan, lodged a declaration with the Registrar of the International Criminal Court on behalf of the Government of Palestine recognizing the jurisdiction of the Court for international crimes committed in Palestine since 1 July 2002 under Article 12(3) of the Rome Statute. At this time the Registrar is still considering her decision. The Committee believes that the International Criminal Court should accept the declaration lodged by the Government of Palestine and investigate the commission of international crimes in the course of operation *Cast Lead*.

37. There are also a number of civil law remedies available to states, NGOs and individuals. As shown above, states may be able to initiate proceedings against Israel for failure to prevent or to punish the commission of the crime of genocide if it can be established that members of it armed forces were responsible for the commission of that crime.

38. The American Alien Tort Act, which allows American Federal Courts to exercise jurisdiction in any civil action brought by an alien for violation of a peremptory norm of international law outside the United States, is another remedy that may be considered.

39. Procedures within the United Nations may also be invoked. States may request the Security Council to refer the situation in Gaza to the International Criminal Court in

the same way that such a referral was made in the case of Darfur in Resolution 1593 of 31 March 2005. States may also request the General Assembly to request the International Court of Justice for an Advisory Opinion on the legal consequences of operation *Cast Lead* for Israel and other states. In 2005 the General Assembly adopted the Summit Outcome Document in which the United Nations undertakes the responsibility to protect states against genocide, war crimes and crimes against humanity. The General Assembly, and possibly the Security Council, might be approached to take action under this commitment.

Recommendations

40. The Committee makes the following recommendations:

Recommendations to Organs of the United Nations.

(1) The League of Arab States should request the General Assembly of the United Nations to request the International Court of Justice to give an advisory opinion on the legal consequences for states, including Israel, of the conflict in Gaza between 27 December 2008 and 18 January 2009 (the Conflict in Gaza).

(2) The League of Arab States should request the Security Council to refer the situation in Gaza, arising from Operation Cast Lead, to the Prosecutor of the International Criminal Court under Article 13(b) of the Rome Statute.

(3) The League of Arab States should request the Security Council, failing which, the General Assembly, to exercise its Responsibility to Protect, affirmed in the Summit Outcome Document of 2005 in respect of Gaza.

Recommendations involving the International Criminal Court.

(4) The League of Arab States should endorse Palestine's declaration accepting jurisdiction of the International Criminal Court under Article 12(3) of the Rome Statute. If the Security Council fails to refer the situation in Gaza to the International Criminal Court under Article 13(b) of the Rome Statute (Recommendation 2), the League of Arab States should request the General Assembly to endorse Palestine's declaration under Article 12(3) of the Rome Statute in a meeting convened under the Tenth Emergency Special Session, constituted in terms of the Uniting for Peace Resolution 377 A (V).

Recommendations relying on the Geneva Conventions.

(5) The League of Arab States should request the Swiss Government to convene a meeting of the State Parties to the Fourth Geneva Convention to consider the findings of the present Report.

(6) The League of Arab States should request states to consider taking action under Article 146 of the Fourth Geneva Convention to ensure that those suspected of having committed grave breaches of the Convention under Article 147 be investigated and prosecuted.

(7) The League of Arab States should remind State Parties to the Geneva Conventions that they are obliged by Article 1 of the Fourth Geneva Convention "to ensure respect" for the Convention. This obligation was confirmed by the International Court of Justice in its 2004 Advisory Opinion

on "*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*". It may be argued that the obligation contained in Article 1 "to respect and to ensure respect for the present convention in all circumstances" includes an obligation on all states to render whatever assistance they can to a state subjected to violations of the Convention.

Recommendations to other States.

(8) The League of Arab States should recommend to its members that they consider instituting legal proceedings against Israel in accordance with Article 9 of the Convention on the Prevention and Punishment of the Crime of Genocide, with due regard to the caution expressed in the present Report.

(9) The League of Arab States should encourage states to prosecute persons responsible for the international crimes identified in the present Report before their national courts (where universal jurisdiction statutes so permit).

(10) The League of Arab States should recommend to states that incurred damage to their property in the conflict in Gaza that they claim compensation from Israel for such losses.

Recommendations for action by the League of Arab States directly.

(11) The League of Arab States should facilitate negotiations between Fatah and Hamas in order to ensure that the welfare of the people of Gaza is not affected by the conflict between these two parties, particularly in the medical field.

(12) The League of Arab States should establish a documentation centre to keep a record of breaches of international humanitarian law in Palestine. Such an historical archive would ensure that a record is kept of crimes against the Palestinian people, and may assist any future action(s) taken by the League or other bodies.

(13) This report should be referred to the United Nations, the European Union, the African Union, the Organization of American States, the Organization of Islamic Conference, the Association of South East Asian Nations and the International Criminal Court; and distributed to relevant NGO's and the general public.